IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6019 OF 2005

Suresh Maruti Shinde ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. V. V. Purwant for the Applicant.
Shri. R. Y. Mirza, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 23, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The offence alleged agaist the Applicant is under sections 420 and 417 of the Indian Penal Code. The allegation of the first informant is that he purchased an immoveable property by registered Sale Deed dated 22nd December, 2003 from the Applicant and later on the Applicant has sold the same property by a registered Sale Deed dated 01st June, 2004 to one Dr. Jayashree Gaikwad who in turn has subsequently sold the same property to the third party.

2. After having heard the Advocates appearing for the parties, I find that a case for grant of Anticipatory Bail is made out. Though the defence of the Applicant cannot be considered at this stage, on perusal of the Sale Deed dated 22nd December, 2003 it is apparent that there is a recital that the Applicant was indebted and was in financial difficulty and therefore, the property was being sold. The defence of the Applicant seems to be that transaction dated 22nd December, 2003 was a money lending transaction.

3. The entire case is based on documentary evidence. This is a case where the Applicant will be put to unnecessary harrasment if he is subjected to pre-trial arrest. Hence, case is made out for grant of relief.

4. Hence, I pass the following order:

: O R D E R :

i) In the event of the arrest of the Applicant in connection with C.R.No.172 of 2005 registered with Barshi Police Station, the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will attend the concerned Police Station on 26th and 27th September, 2005 between 04.00 p.m. to 06.00 p.m. and will thereafter attend the concerned Police Station as and when called upon to do so till the filing of the chargesheet and will co-operate with the Investigating Officer for the purposes of the investigation.

iii) The Bail is granted subject to condition that the Applicant shall not, direclty or indirectly, make

any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Plice Officer/Investiating Agency. The Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicant only till chargesheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE